

DENNIS L. KENNEDY
Nevada Bar No. 1462
JOSEPH A. LIEBMAN
Nevada Bar No. 10125
JOSHUA P. GILMORE
Nevada Bar No. 11576
TAYLER D. BINGHAM
Nevada Bar No. 15870
BAILEY ♦ KENNEDY
8984 Spanish Ridge Avenue
Las Vegas, Nevada 89148-1302
Telephone: 702.562.8820
Facsimile: 702.562.8821
DKennedy@BaileyKennedy.com
JLiebman@BaileyKennedy.com
JGilmore@BaileyKennedy.com
TBingham@BaileyKennedy.com

Attorneys for Defendants and Counterclaimant
RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
R. SHAH, MD, LTD.; and RADAR
MEDICAL GROUP, LLP dba UNIVERSITY
URGENT CARE

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ALLSTATE INSURANCE COMPANY,
ALLSTATE PROPERTY & CASUALTY
INSURANCE COMPANY, ALLSTATE
INDEMNITY COMPANY, and ALLSTATE
FIRE & CASUALTY INSURANCE
COMPANY,

Plaintiffs,

vs.

RUSSELL J. SHAH, M.D.; DIPTI R. SHAH,
M.D.; RUSSELL J. SHAH, MD, LTD.; DIPTI
R. SHAH, MD, LTD.; and RADAR MEDICAL
GROUP, LLP dba UNIVERSITY URGENT
CARE, Does 1-100, and ROES 101-200,

Defendants.

AND RELATED CLAIMS.

Case No. 2:15-cv-01786-APG-DJA

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO FILE JOINT
PRETRIAL ORDER**

(Second Request)

1 Defendants and Counterclaimant Russell J. Shah, M.D., Dipti R. Shah M.D., Russell J. Shah,
2 MD, Ltd., Dipti R. Shah, MD, Ltd., and Radar Medical Group, LLP d/b/a University Urgent Care
3 (collectively, the “Radar Parties”) and Plaintiffs/Counterdefendants Allstate Insurance Company,
4 Allstate Property & Casualty Insurance Company, Allstate Indemnity Company, and Allstate Fire &
5 Casualty Insurance Company (collectively, the “Allstate Parties”), by and through their respective
6 attorneys of record, stipulate and agree as follows:

7 1. On July 17, 2023, the Court entered its Order [ECF No. 583] granting in part the
8 Radar Parties’ Motion for Summary Judgment on Allstate’s Causes of Action in its First Amended
9 Complaint [ECF Nos. 460/461]. The Court directed the parties to confer regarding which of the
10 remaining 197 patients underlying Allstate’s causes of action should be dismissed in accordance
11 with the Court’s decision and to then prepare and file: (i) a stipulation and proposed order
12 identifying those patients for whom the parties agree are subject to dismissal (the “Stipulation”); and
13 (ii) a joint status report identifying those patients for whom the parties disagree are subject to
14 dismissal, together with the parties’ respective positions (the “Joint Status Report”).

15 2. On September 29, 2023, the parties filed the Stipulation [ECF No. 591], identifying
16 91 patients who are subject to dismissal (Exhibit “A”), 91 patients who are not subject to dismissal
17 (Exhibit “B”), and 15 patients for whom the parties disagreed are subject to dismissal (Exhibit “C”).

18 3. Also on September 29, 2023, the parties filed the Joint Status Report [ECF No. 592],
19 setting forth their respective positions as to dismissal of the patients identified in Exhibit “C.”

20 4. On October 2, 2023, the Court entered its Order [ECF No. 593] granting summary
21 judgment for the Radar Parties as to the 91 patients in Exhibit “A.”

22 5. On November 6, 2023, the Court entered its Order [ECF No. 595] denying summary
23 judgment for the Radar Parties as to the 15 patients identified in Exhibit “C.”

24 6. Pursuant to the Court’s August 23, 2023 Order [ECF No. 586] granting the parties’
25 Stipulation [ECF No. 584], the parties presently have until February 4, 2024 to prepare and file the
26 joint pretrial order (*i.e.*, 90 days following entry of the Court’s November 6, 2023 Order addressing
27 the Joint Status Report).
28

1 7. Although the parties have each since separately worked on various aspects of the joint
2 pretrial order, based on the number of contested facts and legal issues to be resolved at trial for the
3 Allstate Parties' claims, the Radar Parties' affirmative defenses to those claims, and the Radar
4 Parties' counterclaims; the volume of exhibits to be reviewed for pretrial disclosure purposes; the
5 number of depositions taken in discovery, including numerous Fed. R. Civ. P. 30(b)(6) depositions
6 of the Allstate Parties, and corresponding need to identify the pages and lines of each transcript to be
7 offered, or which may be offered, at trial; and so that counsel for the parties have an adequate
8 opportunity to confer in good faith in an attempt to narrow the issues to be decided by the Court
9 through motions *in limine*, the parties seek additional time to complete the joint pretrial order.

10 8. Further, following discussions between counsel for the parties after the Court's
11 summary judgment rulings, the parties have agreed to attend a private mediation with either a retired
12 federal district judge or a retired federal magistrate judge. Subject to the mediator's availability once
13 selected, the parties presently seek to schedule an in-person mediation in April 2024 (thus allowing
14 sufficient time for the parties to prepare lengthy mediation briefs and participate in pre-mediation
15 discussions with the mediator).

16 9. In recognition of the substantial amount of time and effort that will be expended by
17 the parties in pre-trial work, including preparing the joint pretrial order and drafting motions *in*
18 *limine*, the parties seek to extend the deadline for filing the joint pretrial order until 45 days after the
19 mediation.

20 10. Based on the foregoing, and assuming that the mediation occurs by April 30, 2024,
21 the parties seek to extend the deadline for filing the joint pretrial order until June 14, 2024.

22 11. Once the mediator is selected and the date for the mediation is chosen, the parties will
23 file a joint status report, updating the Court as to the parties' progress with respect to mediation.

24 12. This is the second request to extend the deadline for filing the joint pretrial order.

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13. This stipulation is submitted in good faith and not to delay the proceedings.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED this 31st day of January, 2024.

DATED this 31st day of January, 2024.

McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

BAILEY ♦ KENNEDY

By: /s/ Todd W. Baxter
JONATHAN W. CARLSON
TODD W. BAXTER
GREGORY S. MASON
8337 West Sunset Road, Suite 350
Las Vegas, NV 89113

By: /s/ Joshua P. Gilmore
DENNIS L. KENNEDY
JOSEPH A. LIEBMAN
JOSHUA P. GILMORE
TAYLER D. BINGHAM
8984 Spanish Ridge Avenue
Las Vegas, NV 89148

ERON Z. CANNON
JENNIFER M. SMITROVICH
FAIN ANDERSON VANDERHOEF
ROSENDAHL O'HALLORAN
SPILLANE PLLC
701 Fifth Avenue, Suite 4750
Seattle, WA 98104

Attorneys for Defendants & Counterclaimant

Attorneys for Plaintiffs/Counterdefendants

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 2/1/2024